

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

SCOTT W. VEALE and	:	
DAVID T. VEALE	:	
	:	
v.	:	C.A. No. 1:02-MC-11
	:	
UNITED STATES OF AMERICA, et. al.	:	

REPORT AND RECOMMENDATION

Lincoln D. Almond, United States Magistrate Judge

In this matter, Plaintiffs Scott W. Veale and David T. Veale filed their Motion for Leave to Proceed In Forma Pauperis on Appeal on June 13, 2011. (Document No. 58). This matter has been referred to me for preliminary review, findings and recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B) and LR Cv 72.1. The Court has determined that no hearing is necessary. After reviewing the Motion and Affidavits submitted, I recommend that the Motion be DENIED.

Plaintiffs filed their Motion for Leave to File Federal Tort Claim and Motions to Proceed In Forma Pauperis on March 23, 2011. (Document Nos. 38, 39, 40). The District Court denied their Motion for Leave and denied as moot their Motions to Proceed IFP. (Document No. 53). Now, Plaintiffs seek leave to file their appeal in forma pauperis. Plaintiff Scott Veale's Affidavit states that he is self-employed with a monthly income of \$400.00, a monthly disability payment of \$475.00, and has a small savings account. Scott Veale also owns property in New Hampshire valued at \$60,000 and two automobiles. (Document No. 58 at 3-4). Plaintiff David Veale's Affidavit states that he is self employed with a monthly income of \$0.00 but receives disability and welfare payments totaling \$884.00 per month. Additionally, David Veale has a checking account with a balance of

\$1,500.00 and a savings account with a balance of \$200.00. Id. at 8-10. Plaintiff also co-owns property valued at \$65,000 and an automobile. Id.

Although Plaintiffs' initial Motion to Proceed IFP in the present case was denied as moot, the Court notes that Plaintiffs' Motion to Proceed IFP in this Court in C.A. No. 10-147JL was denied due to "reported assets by each." (See Endorsed Orders in C.A. No. 10-147JL dated April 20, 2010; May 17, 2010; July 22, 2010; September 14, 2010) The filing fee for an appeal is \$455.00, and Plaintiffs have sufficient funds to proceed with this case without in forma pauperis status.

Conclusion

For the foregoing reasons, I recommend that the Plaintiffs' Motion for Leave to Proceed In Forma Pauperis on Appeal (Document No. 58) be DENIED. Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within fourteen (14) days of its receipt. See Fed. R. Civ. P. 72(b); Lr Cv 72.2. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
June 15, 2011